



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/664,969	09/16/2000	Robert Antonacci	865-002u	4464

7590 01/30/2006

SOFER & HAROUN L.L.P.
317 MADISON AVENUE
SUITE 910
NEW YORK, NY 10017

EXAMINER

PARK, CHAN S

ART UNIT	PAPER NUMBER
----------	--------------

2622

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/664,969	Applicant(s) ANTONACCI ET AL.	
	Examiner CHAN S. PARK	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 10/28/05, and has been entered and made of record. Currently, **claims 1-52** are pending.

Response to Arguments

2. Applicant's arguments with respect to **claims 1-52** have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claims are objected to because of the following informalities:

Claim 1, line 11, "documents" should be -- document --;

Claim 27, line 2, "a patient" should be -- said patient --; and

Claim 49, line 3, "a patient" should be -- said patient --.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rozen et al. U.S. Patent No. 6,073,106 (hereinafter Rozen) in view of James et al. U.S. Patent No. 6,742,161 (James).

4. With respect to claim 1, Rozen discloses a system (col. 5, lines 19-41) comprising:

means for receiving various types of information from a plurality of corresponding sources of said information via facsimile devices, said facsimile devices configured to transmit a facsimile image of a document containing said various types of information (col. 6, lines 12-67) along identification information thereon, said identification information used to associate said document with an account (col. 9, lines 20-25);

means for communicating with an interactive user device (medical care giver or emergency facility requester in col. 8, lines 14-64); and

a processor coupled to said interactive user device via Internet and to said facsimile device via a public-switched telephone network, wherein said processor is further configured to receive from said facsimile device a transmission of said facsimile image of said documents and said identification information, said processor configured to store said facsimile image of said document in a database location relating to said

account associated with said identification information (col. 9, lines 20-25) and to provide to an authorized user of said interactive user device, upon request at any time, access to said facsimile image of said document (col. 8, lines 33-64).

Further, Examiner notes that transmitting facsimile data via PSTN to the recipient is well known to one of ordinary skill in the art at the time of the invention.

Rozen, however, does not disclose explicitly that the facsimile devices transmit the document along with a separate facsimile form having a coded information thereon, said coded information used to associate said document with the account.

James, the same field of endeavor of the facsimile image/document transmission, discloses a system for transmitting the facsimile image/document along with a separate form having a coded information thereon, said coded information used to associate said document with an account (col. 6, lines 40-56).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to implement the method of detecting a barcode on a facsimile cover sheet of James into the system of Rozen.

The suggestion/motivation for doing so would have been to correctly identify the source of document using the well-known barcode method. It would have further reduced the number of human errors.

Therefore, it would have been obvious to combine Rozen with James obtain the invention as specified in claim 1.

Art Unit: 2622

5. With respect to claim 2, Rozen discloses the system according to claim 1, wherein said various types of information is various types of medical record (col. 6, lines 49-65).
6. With respect to claim 3, James discloses that said coded-associated information material comprises barcode (col. 6, lines 40-65).
7. With respect to claim 4, read col. 6, lines 40-65 of James.
8. With respect to claim 5, read col. 6, lines 40-65 of James.
9. With respect to claim 6, read col. 6, lines 40-65 of James.
10. With respect to claim 7, read col. 6, lines 40-65 of James and col. 9, lines 20-25 of Rozen.
11. With respect to claim 8, read col. 5, lines 58-67 of Rozen.
12. With respect to claim 9, read col. 6, lines 40-65 of James and col. 9, lines 20-25 of Rozen.
13. With respect to claim 10, read col. 6, lines 1-11 & lines 49-65 of Rozen.
14. With respect to claim 11, read col. 7, lines 35-39 of Rozen & col. 6, lines 40-65 of James.
15. With respect to claim 12, read col. 7, lines 35-39 of Rozen & col. 6, lines 40-65 of James.
16. With respect to claim 13, read col. 7, lines 35-39 of Rozen & col. 6, lines 40-65 of James.
17. With respect to claim 14, read col. 8, lines 14-64 of Rozen.

Art Unit: 2622

18. With respect to claim 15, read col. 7, lines 35-39 of Rozen & col. 6, lines 40-65 of James. Further, since the encryption technique is used for the security purposes, it would have been obvious to include the decryption module to decrypt the encrypted data upon detecting that the recipient is an authorized viewer of the document.

19. With respect to claim 16, read col. 7, lines 35-39 of Rozen & col. 6, lines 40-65 of James. Further, since the encryption technique is used for the security purposes, it would have been obvious to include the decryption module to decrypt the encrypted data upon detecting that the recipient is an authorized viewer of the document.

20. With respect to claim 17, arguments analogous to those presented for claim 1, are applicable. Also, read col. 8, lines 59-64 of Rozen.

21. With respect to claim 18, arguments analogous to those presented for claim 2, are applicable.

22. With respect to claim 19, arguments analogous to those presented for claim 3, are applicable.

23. With respect to claim 20, arguments analogous to those presented for claim 5, are applicable.

24. With respect to claim 21, arguments analogous to those presented for claim 1, are applicable.

25. With respect to claim 22, arguments analogous to those presented for claim 2, are applicable.

Art Unit: 2622

26. With respect to claim 23, arguments analogous to those presented for claim 3, are applicable.

27. With respect to claim 24, arguments analogous to those presented for claim 4, are applicable.

28. With respect to claim 25, arguments analogous to those presented for claim 5, are applicable.

29. With respect to claim 26, arguments analogous to those presented for claim 6, are applicable.

30. With respect to claim 27, arguments analogous to those presented for claim 7, are applicable.

31. With respect to claim 28, arguments analogous to those presented for claim 8, are applicable.

32. With respect to claim 29, arguments analogous to those presented for claim 9, are applicable.

33. With respect to claim 30, arguments analogous to those presented for claim 10, are applicable.

34. With respect to claim 31, arguments analogous to those presented for claim 11, are applicable.

35. With respect to claim 32, arguments analogous to those presented for claim 12, are applicable.

36. With respect to claim 33, arguments analogous to those presented for claim 13, are applicable.

Art Unit: 2622

37. With respect to claim 34, arguments analogous to those presented for claim 14, are applicable.

38. With respect to claim 35, arguments analogous to those presented for claim 15, are applicable.

39. With respect to claim 36, arguments analogous to those presented for claim 16, are applicable.

40. With respect to claim 37, arguments analogous to those presented for claim 1, are applicable.

41. With respect to claim 38, read col. 6, lines 40-55 of James.

42. With respect to claim 39, arguments analogous to those presented for claim 3, are applicable.

43. With respect to claim 40, arguments analogous to those presented for claim 4, are applicable.

44. With respect to claim 41, arguments analogous to those presented for claim 1, are applicable.

45. With respect to claim 42, read col. 6, line 23 of Rozen (insurance coverage).

46. With respect to claim 43, read col. 6, lines 1-3 of Rozen.

47. With respect to claim 44, read col. 5, lines 49-67 of Rozen.

48. With respect to claim 45, read col. 6, lines 12-32 & col. 8, lines 14-64 of Rozen.

49. With respect to claim 46, read col. 6, lines 12-32 & col. 8, lines 14-64 of Rozen.

50. With respect to claim 47, read col. 5, lines 49-67 of Rozen.

51. With respect to claim 48, read col. 6, lines 1-3 of Rozen.

Art Unit: 2622

52. With respect to claim 49, read col. 7, lines 1-3 & lines 40-67 of Rozen.

53. With respect to claim 50, read col. 7, lines 1-3 & lines 40-67 of Rozen.

Claims 51 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Rozen and James as applied to claim 1 above, and further in view of Sheehan et al. U.S. Patent No. 6,311,163 (hereinafter Sheehan).

54. With respect to claims 51 and 52, the combination discloses the system as claimed in claim 1, but it does not disclose explicitly a second coded information corresponding to a second account in said processor, whereby said same facsimile image of said original document is stored in said account associated with said coded information and said second account associated with said second coded information.

Sheehan, the same field of endeavor of the network medical data exchange system, teaches a method for authorizing a second party with a second account to access the same medical information data stored associated with a first account (col. 4, lines 40-57).

Moreover, James teaches the method of communicating ID information using a barcode.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the Sheehan method for accessing the same medical information by the second party into the system taught by the combination of Rozen and James. Further, it would have been obvious to implement the barcode method to identify/associate the user with appropriate medical data.

Art Unit: 2622

The suggestion/motivation for doing so would have been to permit the patient's doctor to access the patient's medical record by using the second account associated with the doctor. Moreover, by authorizing the second account to access the same medical data, it would provide a speedy access of the medical record to the doctor.

Therefore, it would have been obvious to combine three references to obtain the invention as specified in claims 51 and 52.

Conclusion

55. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

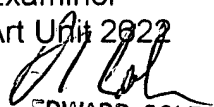
Art Unit: 2622

56. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S. PARK whose telephone number is (571) 272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

csp
January 17, 2006

Chan S. Park
Examiner
Art Unit 2622

EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER